

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 198

AN ACT

To repeal sections 32.056, 115.157, 217.305, 217.380, 302.060, 302.309, 302.321, 302.541, 416.615, 478.610, 537.046, 542.276, 544.170, 565.092, 577.023, 577.041, 577.500, 589.400, 589.407, 589.414, RSMo, and to enact in lieu thereof thirty-seven new sections relating to crimes and punishment, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 32.056, 115.157, 217.305, 217.380,
2 302.060, 302.309, 302.321, 302.541, 416.615, 478.610, 537.046,
3 542.276, 544.170, 565.092, 577.023, 577.041, 577.500, 589.400,
4 589.407, 589.414, RSMo, are repealed and thirty-seven new
5 sections enacted in lieu thereof, to be known as sections 32.056,
6 43.650, 115.157, 217.105, 217.305, 217.343, 217.380, 226.531,
7 302.060, 302.309, 302.321, 302.541, 416.615, 416.640, 478.610,
8 516.600, 537.046, 542.276, 544.170, 565.085, 565.092, 565.305,
9 570.137, 570.138, 570.400, 570.405, 570.410, 570.415, 574.110,
10 577.023, 577.041, 577.500, 578.160, 589.400, 589.407, 589.414,
11 and 1, to read as follows:

12 32.056. The department of revenue shall not release the
13 home address or any other information contained in the
14 department's motor vehicle or driver registration records
15 regarding any person who is a state or federal judge, a state or
16 federal prosecutor, a county, state, or federal parole officer
17 [or who is], a federal pretrial officer [or who is], a peace

1 officer pursuant to section 590.100, RSMo, or a member of [the
2 parole officer's, pretrial officer's or peace officer's] any such
3 person's immediate family based on a specific request for such
4 information from any person. Any such person [who is a county,
5 state or federal parole officer or who is a federal pretrial
6 officer or who is a peace officer pursuant to section 590.100,
7 RSMo,] listed in this section may notify the department of such
8 status and the department shall protect the confidentiality of
9 the records on such a person and his or her immediate family as
10 required by this section. This section shall not prohibit the
11 department from releasing information on a motor registration
12 list pursuant to section 32.055 or from releasing information on
13 any officer who holds a class A, B, or C commercial driver's
14 license pursuant to the Motor Carrier Safety Improvement Act of
15 1999, as amended, 49 U.S.C. 31309.

16 43.650. 1. The patrol shall maintain a web page on the
17 Internet which shall be open to the public and shall include a
18 registered sexual offender search capability.

19 2. The registered sexual offender search shall make it
20 possible for any person using the Internet to search for and find
21 the information specified in subdivisions (1) to (4) of
22 subsection 4 of this section, if known, on offenders registered
23 in this state pursuant to sections 589.400 to 589.425, RSMo,
24 except that only persons who have been convicted of, found guilty
25 of or plead guilty to committing or attempting to commit sexual
26 offenses shall be included on this web site.

27 3. The registered sexual offender search shall include the
28 capability to search for sexual offenders by name, zip code, and

1 by typing in an address and specifying a search within a certain
2 number of miles radius from that address.

3 4. Only the information listed in subdivisions (1) to (4)
4 of this subsection shall be provided to the public in the
5 registered sexual offender search:

6 (1) The name of the offender;

7 (2) The last known address of the offender, including the
8 street address, city, county, state, and zip code;

9 (3) A photograph of the offender; and

10 (4) The crime or crimes for which the offender was
11 convicted that caused him or her to have to register.

12 115.157. 1. The election authority may place all
13 information on any registration cards in computerized form in
14 accordance with subsection 2 of section 115.158. No election
15 authority or secretary of state shall furnish to any member of
16 the public electronic media or printout showing any registration
17 information, except as provided in this section. Except as
18 provided in subsection 2 of this section, the election authority
19 or secretary of state shall make available electronic media or
20 printouts showing unique voter identification numbers, voters'
21 names, dates of birth, addresses, townships or wards, and
22 precincts. Electronic data shall be maintained in at least the
23 following separate fields:

24 (1) Voter identification number;

25 (2) First name;

26 (3) Middle initial;

27 (4) Last name;

28 (5) Suffix;

- 1 (6) Street number;
- 2 (7) Street direction;
- 3 (8) Street name;
- 4 (9) Street suffix;
- 5 (10) Apartment number;
- 6 (11) City;
- 7 (12) State;
- 8 (13) Zip code;
- 9 (14) Township;
- 10 (15) Ward;
- 11 (16) Precinct;
- 12 (17) Senatorial district;
- 13 (18) Representative district;
- 14 (19) Congressional district.

15 All election authorities shall enter voter history in their
16 computerized registration systems and shall, not more than six
17 months after the election, forward such data to the centralized
18 voter registration system established in section 115.158. Except
19 as provided in subsection 2 of this section, the election
20 authority shall also furnish, for a fee, electronic media or a
21 printout showing the names, dates of birth and addresses of
22 voters, or any part thereof, within the jurisdiction of the
23 election authority who voted in any specific election, including
24 primary elections, by township, ward or precinct, provided that
25 nothing in this chapter shall require such voter information to
26 be released to the public over the Internet. The amount of fees
27 charged for information provided in this section shall be
28 established pursuant to chapter 610, RSMo. All revenues

1 collected by the secretary of state pursuant to this section
2 shall be deposited in the state treasury and credited to the
3 secretary of state's technology trust fund account established
4 pursuant to section 28.160, RSMo. In even-numbered years, each
5 election authority shall, upon request, supply the voter
6 registration list for its jurisdiction to all candidates and
7 party committees for a charge established pursuant to chapter
8 610, RSMo. Except as provided in subsection 2 of this section,
9 all election authorities shall make the information described in
10 this section available pursuant to chapter 610, RSMo. Any
11 election authority who fails to comply with the requirements of
12 this section shall be subject to the provisions of chapter 610,
13 RSMo.

14 2. Any person working as an undercover officer of a local,
15 state or federal law enforcement agency, persons in witness
16 protection programs, state or federal judges, state or federal
17 prosecutors, and victims of domestic violence and abuse who have
18 received orders of protection pursuant to chapter 455, RSMo,
19 shall be entitled to apply to the circuit court having
20 jurisdiction in his or her county of residence to have the
21 residential address on his or her voter registration records
22 closed to the public if the release of such information could
23 endanger the safety of the person. Any person working as an
24 undercover agent or in a witness protection program shall also
25 submit a statement from the chief executive officer, as defined
26 in subsection 2 of section 590.100, RSMo, of the agency under
27 whose direction he or she is serving. The petition to close the
28 residential address shall be incorporated into any petition for

1 protective order provided by circuit clerks pursuant to chapter
2 455, RSMo. If satisfied that the person filing the petition
3 meets the qualifications of this subsection, the circuit court
4 shall issue an order to the election authority to keep the
5 residential address of the voter a closed record and the address
6 may be used only for the purposes of administering elections
7 pursuant to this chapter. The election authority may require the
8 voter who has a closed residential address record to verify that
9 his or her residential address has not changed or to file a
10 change of address and to affirm that the reasons contained in the
11 original petition are still accurate prior to receiving a ballot.
12 A change of address within an election authority's jurisdiction
13 shall not require that the voter file a new petition. Any voter
14 who no longer qualifies pursuant to this subsection to have his
15 or her residential address as a closed record shall notify the
16 circuit court. Upon such notification, the circuit court shall
17 void the order closing the residential address and so notify the
18 election authority.

19 217.105. 1. As used in this section, the following terms
20 mean:

21 (1) "Director", the director of the Missouri department of
22 corrections or his or her designated agent or representative;

23 (2) "Corrections officer", a corrections officer of the
24 state or any political subdivision of the state;

25 (3) "COCC", corrections officer certification commission.

26 2. There is hereby established within the department of
27 corrections a "Corrections Officer Certification Commission"
28 which shall be composed of nine members nominated by the director

1 and appointed by the governor with the advice and consent of the
2 senate:

3 (1) Three members shall be department of corrections
4 officers below the rank of lieutenant; of which, at least two
5 will be members of a statewide association of corrections
6 officers with more than one thousand members;

7 (2) Three members shall be corrections officers or
8 supervisors above the rank of sergeant; two of which must be the
9 rank of lieutenant or captain. Of these three, at least one will
10 be a member of a statewide association of corrections officers
11 with more than one thousand members;

12 (3) Two members shall be county sheriffs, at least one of
13 whom shall be from a third class county; and

14 (4) One member shall represent the general public.

15 3. Each member shall be at the time of appointment a
16 citizen of the United States and a resident of this state for a
17 period of at least one year.

18 4. The original members of the commission shall be
19 appointed as follows:

20 (1) Three for terms of one year;

21 (2) Three for terms of two years; and

22 (3) Three for terms of three years.

23
24 Thereafter, all terms of membership on the commission shall be
25 for three years or until a successor is appointed.

26 5. The director may remove any member of the commission for
27 misconduct or neglect of office. Any member of the commission
28 may be removed for cause by the director but such member shall

1 first be presented with a written statement of the reasons
2 thereof.

3 6. Any vacancy in the membership of the commission shall be
4 filled by appointment for the unexpired term.

5 7. Annually the director shall appoint one of the members
6 as chairperson. The commission shall meet to perform its duties
7 at least once each year as determined by the director or a
8 majority of the members. A majority of the members of the
9 commission shall constitute a quorum.

10 8. No member of the commission shall receive any
11 compensation for the performance of official duties but the
12 members shall be reimbursed for their necessary expenses.

13 9. The commission may:

14 (1) Cause a job task analysis to be made of the jobs of
15 corrections officers pursuant to this chapter; jailers pursuant
16 to chapter 221, RSMo; jailers in charter counties and private
17 jail custody staff;

18 (2) Make recommendations to the department of corrections,
19 the legislature, or the governor concerning the qualifications,
20 training, testing, and certification of corrections officers,
21 jailers and private jail custody staff;

22 (3) Recommend qualifications and training standards for
23 corrections officers pursuant to this chapter, jailers pursuant
24 to chapter 221, RSMo, and jailers in charter counties.

25 10. The director may establish various classes of
26 corrections officers certification.

27 11. The name, certification status, and employing
28 corrections agency of any of the applicants or individuals

1 certified pursuant to this chapter shall be open record. All
2 other records retained by the director pertaining to any
3 applicant or certified officer shall be confidential and shall
4 not be disclosed to the public or any member of the public,
5 except with the written consent of the person or entity whose
6 records are involved, provided, however, that the director may
7 disclose such information in the course of interstate exchange of
8 information, during the course of litigation involving the
9 director or to other state agencies. No closed record conveyed
10 to the director pursuant to this chapter shall lose its status as
11 a closed record solely because it is retained by the director.
12 Nothing in this chapter shall be used to compel the director to
13 disclose any record subject to attorney-client privilege or work-
14 product privilege.

15 217.305. 1. The sheriff or other officer charged with the
16 delivery of persons committed to the department for confinement
17 in a correctional center shall deliver the person to the
18 reception and diagnostic center designated by the director at
19 times and dates as designated by the director and shall receive a
20 certificate of delivery of the offender from the center.

21 2. Appropriate information relating to the offender shall
22 be provided to the department in a written or electronic format,
23 at or before the time the offender is delivered to the
24 department, including, but not limited to:

25 (1) A certified copy of the sentence [received] from the
26 clerk of the sentencing court[. If provided in written form,
27 this document shall be certified by the court] on the
28 standardized form developed by the office of state courts

1 administrator. Such form shall include specifics on any status
2 violated, court-ordered probation not supervised by the
3 department, the offense cycle number and any court-ordered
4 restitution owed to the victim;

5 (2) [All other judgment, sentencing and commitment orders
6 of the court, or such documents as authorized by the prosecuting
7 attorney or circuit attorney or required by the department;

8 (3) Further] Available information provided in writing by
9 the prosecutor regarding the offender's age, crime for which
10 sentenced [and], probable cause statement, circumstances
11 surrounding the crime and sentence, names, telephone numbers, and
12 last know address of victims, victim impact statements, and
13 personal history, which may include facts related to [his] the
14 offender's home environment, or work habits, gang affiliations,
15 if any, and previous convictions and commitments. Such
16 information shall be prepared by the prosecuting attorney of the
17 county or circuit attorney of any city not within a county who
18 was charged with the offender's prosecution;

19 (3) Information provided by the sheriff or other officer
20 charged with the delivery of persons committed to the department
21 regarding the offender's physical and mental health while in
22 jail. All records on medication, care, and treatment provided to
23 the offender while in jail shall be provided to the department
24 prior to or upon delivery of the offender. If the offender has
25 had no physical or mental health care or medications while in
26 jail, the sheriff or other officer shall certify that no physical
27 or mental health care or medication records are available. The
28 sheriff shall provide certification of all applicable jail-time

1 credit.

2 3. The department may refuse to accept any offender who is
3 delivered for confinement without all required information.

4 217.343. Offenders who are younger than seventeen years of
5 age and have been adjudicated as an adult shall be emancipated
6 for the purpose of decision-making and participation in all
7 department programs and services, including but not limited to,
8 medical care, mental health care, treatment programs, educational
9 programs, work assignments, and rehabilitative programs.

10 217.380. 1. When an offender is found guilty of a
11 violation of a correctional facility rule or convicted of a
12 felony or misdemeanor, a record of such violation or conviction
13 shall be recorded in the offender's file and in a central record.
14 The record shall clearly state the offense, the reporting
15 officer's name, when and where the violation or offense was
16 committed and the action taken by any disciplinary body or other
17 personnel of the department.

18 2. An offender who has violated any published rule or
19 regulation of the division or correctional facility relating to
20 the conduct of offenders may, after proper hearing and upon order
21 of the chief administrative officer or his or her designee of the
22 correctional facility, be confined in a disciplinary segregation
23 unit for a period not to exceed thirty days. Disciplinary
24 segregation of more than ten days may only be given for serious
25 conduct violations as defined by rule or regulation of the
26 division.

27 3. Violation hearings under the provision of subsection 2
28 of this section are not contested cases under the provisions of

1 chapter 536, RSMo. Violation hearings under the provisions of
2 subsection 2 of this section are not subject to the rules of
3 evidence. The department may promulgate rules for violation
4 hearings under the authority of subsection 2 of section 217.040.
5 The conduct of and order from a violation hearing under the
6 provisions of subsection 2 are final and unappealable.

7 226.531. 1. As used in this section the following terms,
8 mean:

9 (1) "Adult cabaret", a nightclub, bar, restaurant, or
10 similar establishment in which persons appear in a state of
11 nudity in the performance of their duties;

12 (2) "Sexually-oriented business", any business which offers
13 its patrons goods of which a substantial portion are sexually-
14 oriented materials. Any business where more than ten percent of
15 display space is used for sexually-oriented materials shall be
16 presumed to be a sexually-oriented business;

17 (3) "Sexually-oriented materials", any textual, pictorial,
18 or three dimensional material that depicts nudity, sexual
19 conduct, sexual excitement, or sadomasochistic abuse in a way
20 which is patently offensive to the average person applying
21 contemporary adult community standards with respect to what is
22 suitable for minors.

23 2. No billboard or other exterior advertising sign, for an
24 adult cabaret or sexually-oriented business shall be located
25 within one mile of any state highway except if such business is
26 located within one mile of a state highway then the business may
27 display a maximum of two exterior signs on the premises of the
28 business, consisting of one identification sign and one sign

1 solely giving notice that the premises are off limits to minors.
2 The identification sign shall be no more than forty square feet
3 in size and shall include no more than the following information:
4 name, street address, telephone number, and operating hours of
5 the business.

6 3. Signs existing at the time of the adoption of this
7 section, which did not conform to the requirements of this
8 section, may be allowed to continue as a nonconforming use, but
9 should be made to conform within three years from August 28,
10 2003.

11 4. Any owner of such a business who violates the provisions
12 of this section shall be guilty of a class C misdemeanor.

13 302.060. The director shall not issue any license and shall
14 immediately deny any driving privilege:

15 (1) To any person who is under the age of eighteen years,
16 if such person operates a motor vehicle in the transportation of
17 persons or property as classified in section 302.015;

18 (2) To any person who is under the age of sixteen years,
19 except as hereinafter provided;

20 (3) To any person whose license has been suspended, during
21 such suspension, or to any person whose license has been revoked,
22 until the expiration of one year after such license was revoked;

23 (4) To any person who is an habitual drunkard or is
24 addicted to the use of narcotic drugs;

25 (5) To any person who has previously been adjudged to be
26 incapacitated and who at the time of application has not been
27 restored to partial capacity;

28 (6) To any person who, when required by this law to take an

1 examination, has failed to pass such examination;

2 (7) To any person who has an unsatisfied judgment against
3 such person, as defined in chapter 303, RSMo, until such judgment
4 has been satisfied or the financial responsibility of such
5 person, as defined in section 303.120, RSMo, has been
6 established;

7 (8) To any person whose application shows that the person
8 has been convicted within one year prior to such application of
9 violating the laws of this state relating to failure to stop
10 after an accident and to disclose the person's identity or
11 driving a motor vehicle without the owner's consent;

12 (9) To any person who has been convicted more than twice of
13 violating state law, or a county or municipal ordinance where
14 [the judge in such cases was an attorney and] the defendant was
15 represented by or waived the right to an attorney in writing,
16 relating to [driving while intoxicated] an intoxication-related
17 traffic offense as defined in section 577.023, RSMo; except that,
18 after the expiration of ten years from the date of conviction of
19 the last offense of violating such law or ordinance relating to
20 [driving while intoxicated] an intoxication-related traffic
21 offense as defined in section 577.023, RSMo, a person who was so
22 convicted may petition the circuit court of the county in which
23 such last conviction was rendered and the court shall review the
24 person's habits and conduct since such conviction. If the court
25 finds that the petitioner has not been convicted of any
26 intoxication-related traffic offense, as defined in section
27 577.023, RSMo, or any other offense related to alcohol,
28 controlled substances or drugs during the preceding ten years and

1 that the petitioner's habits and conduct show such petitioner to
2 no longer pose a threat to the public safety of this state, the
3 court may order the director to issue a license to the petitioner
4 if the petitioner is otherwise qualified pursuant to the
5 provisions of sections 302.010 to 302.540. No person may obtain
6 a license pursuant to the provisions of this subdivision through
7 court action more than one time;

8 (10) To any person who has been convicted twice within a
9 five-year period of violating state law, or a county or municipal
10 ordinance where [the judge in such cases was an attorney and] the
11 defendant was represented by or waived the right to an attorney
12 in writing, [of driving while intoxicated] relating to an
13 intoxication-related traffic offense as defined in section
14 577.023, RSMo, or who has been convicted once of the crime of
15 involuntary manslaughter while operating a motor vehicle in an
16 intoxicated condition. The director shall not issue a license to
17 such person for five years from the date such person was
18 convicted for involuntary manslaughter while operating a motor
19 vehicle in an intoxicated condition or [for driving while
20 intoxicated] for the second time for an intoxication-related
21 traffic offense as defined in section 577.023, RSMo. Any person
22 who has been denied a license for two convictions of driving
23 while intoxicated prior to July 27, 1989, shall have the person's
24 license issued, upon application, unless the two convictions
25 occurred within a five-year period, in which case, no license
26 shall be issued to the person for five years from the date of the
27 second conviction;

28 (11) To any person who is otherwise disqualified pursuant

1 to the provisions of sections 302.010 to 302.780, chapter 303,
2 RSMo, or section 544.046, RSMo;

3 (12) To any person who is under the age of eighteen years,
4 if such person's parents or legal guardians file a certified
5 document with the department of revenue stating that the director
6 shall not issue such person a driver's license. Each document
7 filed by the person's parents or legal guardians shall be made
8 upon a form furnished by the director and shall include
9 identifying information of the person for whom the parents or
10 legal guardians are denying the driver's license. The document
11 shall also contain identifying information of the person's
12 parents or legal guardians. The document shall be certified by
13 the parents or legal guardians to be true and correct. This
14 provision shall not apply to any person who is legally
15 emancipated. The parents or legal guardians may later file an
16 additional document with the department of revenue which
17 reinstates the person's ability to receive a driver's license.

18 302.309. 1. Whenever any license is suspended pursuant to
19 sections 302.302 to 302.309, the director of revenue shall return
20 the license to the operator immediately upon the termination of
21 the period of suspension and upon compliance with the
22 requirements of chapter 303, RSMo.

23 2. Any operator whose license is revoked pursuant to these
24 sections, upon the termination of the period of revocation, shall
25 apply for a new license in the manner prescribed by law.

26 3. (1) All circuit courts or the director of revenue shall
27 have jurisdiction to hear applications and make eligibility
28 determinations granting limited driving privileges. Any

1 application may be made in writing to the director of revenue and
2 the person's reasons for requesting the limited driving privilege
3 shall be made therein.

4 (2) When any court of record having jurisdiction or the
5 director of revenue finds that an operator is required to operate
6 a motor vehicle in connection with any of the following:

7 (a) A business, occupation, or employment;

8 (b) Seeking medical treatment for such operator;

9 (c) Attending school or other institution of higher
10 education;

11 (d) Attending alcohol or drug treatment programs; or

12 (e) Any other circumstance the court or director finds
13 would create an undue hardship on the operator;

14
15 the court or director may grant such limited driving privilege as
16 the circumstances of the case justify if the court or director
17 finds undue hardship would result to the individual, and while so
18 operating a motor vehicle within the restrictions and limitations
19 of the limited driving privilege the driver shall not be guilty
20 of operating a motor vehicle without a valid license.

21 (3) An operator may make application to the proper court in
22 the county in which such operator resides or in the county in
23 which is located the operator's principal place of business or
24 employment. Any application for a limited driving privilege made
25 to a circuit court shall name the director as a party defendant
26 and shall be served upon the director prior to the grant of any
27 limited privilege, and shall be accompanied by a copy of the
28 applicant's driving record as certified by the director. Any

1 applicant for a limited driving privilege shall have on file with
2 the department of revenue proof of financial responsibility as
3 required by chapter 303, RSMo. Any application by a person who
4 transports persons or property as classified in section 302.015
5 may be accompanied by proof of financial responsibility as
6 required by chapter 303, RSMo, but if proof of financial
7 responsibility does not accompany the application, or if the
8 applicant does not have on file with the department of revenue
9 proof of financial responsibility, the court or the director has
10 discretion to grant the limited driving privilege to the person
11 solely for the purpose of operating a vehicle whose owner has
12 complied with chapter 303, RSMo, for that vehicle, and the
13 limited driving privilege must state such restriction. When
14 operating such vehicle under such restriction the person shall
15 carry proof that the owner has complied with chapter 303, RSMo,
16 for that vehicle.

17 (4) The court order or the director's grant of the limited
18 driving privilege shall indicate the termination date of the
19 privilege, which shall be not later than the end of the period of
20 suspension or revocation. A copy of any court order shall be
21 sent by the clerk of the court to the director, and a copy shall
22 be given to the driver which shall be carried by the driver
23 whenever such driver operates a motor vehicle. The director of
24 revenue upon granting a limited driving privilege shall give a
25 copy of the limited driving privilege to the applicant. The
26 applicant shall carry a copy of the limited driving privilege
27 while operating a motor vehicle. A conviction which results in
28 the assessment of points pursuant to section 302.302, other than

1 a violation of a municipal stop sign ordinance where no accident
2 is involved, against a driver who is operating a vehicle pursuant
3 to a limited driving privilege terminates the privilege, as of
4 the date the points are assessed to the person's driving record.
5 If the date of arrest is prior to the issuance of the limited
6 driving privilege, the privilege shall not be terminated. The
7 director shall notify by ordinary mail the driver whose privilege
8 is so terminated.

9 (5) Except as provided in subdivision (6) of this
10 subsection, no person is eligible to receive a limited driving
11 privilege who at the time of application for a limited driving
12 privilege has previously been granted such a privilege within the
13 immediately preceding five years, or whose license has been
14 suspended or revoked for the following reasons:

15 (a) A conviction of violating the provisions of section
16 577.010 or 577.012, RSMo, or any similar provision of any federal
17 or state law, or a municipal or county law where [the judge in
18 such case was an attorney and] the defendant was represented by
19 or waived the right to an attorney in writing, until the person
20 has completed the first thirty days of a suspension or revocation
21 imposed pursuant to this chapter;

22 (b) A conviction of any felony in the commission of which a
23 motor vehicle was used;

24 (c) Ineligibility for a license because of the provisions
25 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or
26 (11) of section 302.060;

27 (d) Because of operating a motor vehicle under the
28 influence of narcotic drugs, a controlled substance as defined in

chapter 195, RSMo, or having left the scene of an accident as provided in section 577.060, RSMo;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041, RSMo, or a similar implied consent law of any other state;

(g) Disqualification of a commercial driver's license pursuant to sections 302.700 to 302.780, however, nothing in this subsection shall prevent a person holding a commercial driver's license who is suspended or revoked as a result of an action occurring while not driving a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an operator of a personal vehicle from applying for a limited driving privilege to operate a commercial vehicle, if otherwise eligible for such limited privilege; or

(h) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(6) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the

1 manner prescribed in this subsection, allow a person who has had
2 such person's license to operate a motor vehicle revoked where
3 that person cannot obtain a new license for a period of ten
4 years, as prescribed in subdivision (9) of section 302.060, to
5 apply for a limited driving privilege pursuant to this subsection
6 if such person has served at least three years of such
7 disqualification or revocation. Such person shall present
8 evidence satisfactory to the court or the director that such
9 person has not been convicted of any offense related to alcohol,
10 controlled substances or drugs during the preceding three years
11 and that the person's habits and conduct show that the person no
12 longer poses a threat to the public safety of this state.

13 (b) Provided that pursuant to the provisions of this
14 section, the applicant is not otherwise ineligible for a limited
15 driving privilege or convicted of involuntary manslaughter while
16 operating a motor vehicle in an intoxicated condition, a circuit
17 court or the director may, in the manner prescribed in this
18 subsection, allow a person who has had such person's license to
19 operate a motor vehicle revoked where that person cannot obtain a
20 new license for a period of five years because of two convictions
21 of [driving while intoxicated] an intoxication-related traffic
22 offense as defined in section 577.023, RSMo, as prescribed in
23 subdivision (10) of section 302.060, to apply for a limited
24 driving privilege pursuant to this subsection if such person has
25 served at least two years of such disqualification or revocation.
26 Such person shall present evidence satisfactory to the court or
27 the director that such person has not been convicted of any
28 offense related to alcohol, controlled substances or drugs during

1 the preceding two years and that the person's habits and conduct
2 show that the person no longer poses a threat to the public
3 safety of this state. Any person who is denied a license
4 permanently in this state because of an [alcohol-related
5 conviction] an intoxication-related traffic offense as defined in
6 section 577.023, RSMo, subsequent to a restoration of such
7 person's driving privileges pursuant to subdivision (9) of
8 section 302.060 shall not be eligible for limited driving
9 privilege pursuant to the provisions of this subdivision.

10 4. Any person who has received notice of denial of a
11 request of limited driving privilege by the director of revenue
12 may make a request for a review of the director's determination
13 in the circuit court of the county in which the person resides or
14 the county in which is located the person's principal place of
15 business or employment within thirty days of the date of mailing
16 of the notice of denial. Such review shall be based upon the
17 records of the department of revenue and other competent evidence
18 and shall be limited to a review of whether the applicant was
19 statutorily entitled to the limited driving privilege.

20 5. The director of revenue shall promulgate rules and
21 regulations necessary to carry out the provisions of this
22 section. Any rule or portion of a rule, as that term is defined
23 in section 536.010, RSMo, that is created under the authority
24 delegated in this section shall become effective only if it
25 complies with and is subject to all of the provisions of chapter
26 536, RSMo, and, if applicable, section 536.028, RSMo. This
27 section and chapter 536, RSMo, are nonseverable and if any of the
28 powers vested with the general assembly pursuant to chapter 536,

1 RSMo, to review, to delay the effective date or to disapprove and
2 annul a rule are subsequently held unconstitutional, then the
3 grant of rulemaking authority and any rule proposed or adopted
4 after August 28, 2001, shall be invalid and void.

5 302.321. 1. A person commits the crime of driving while
6 revoked if he or she operates a motor vehicle on a highway when
7 his or her license or driving privilege has been canceled,
8 suspended or revoked under the laws of this state or any other
9 state and acts with criminal negligence with respect to knowledge
10 of the fact that his or her driving privilege has been canceled,
11 suspended or revoked.

12 2. Any person convicted of driving while revoked is guilty
13 of a class A misdemeanor. Any person with no prior
14 alcohol-related enforcement contacts as defined in section
15 302.525, convicted a fourth or subsequent time of driving while
16 revoked or a county or municipal ordinance of driving while
17 suspended or revoked where the [judge in such case was an
18 attorney and the] defendant was represented by or waived the
19 right to an attorney in writing, and where the prior three
20 driving-while-revoked offenses occurred within ten years of the
21 date of occurrence of the present offense [and where the person
22 received and served a sentence of ten days or more on such
23 previous offenses]; and any person with a prior alcohol-related
24 enforcement contact as defined in section 302.525, convicted a
25 third or subsequent time of driving while revoked or a county or
26 municipal ordinance of driving while suspended or revoked where
27 [the judge in such case was an attorney and] the defendant was
28 represented by or waived the right to an attorney in writing, and

1 where the prior two driving-while-revoked offenses occurred
2 within ten years of the date of occurrence of the present offense
3 [and where the person received and served a sentence of ten days
4 or more on such previous offenses] is guilty of a class D felony.
5 No court shall suspend the imposition of sentence as to such a
6 person nor sentence such person to pay a fine in lieu of a term
7 of imprisonment, nor shall such person be eligible for parole or
8 probation until he has served a minimum of forty-eight
9 consecutive hours of imprisonment, unless as a condition of such
10 parole or probation, such person performs at least ten days
11 involving at least forty hours of community service under the
12 supervision of the court in those jurisdictions which have a
13 recognized program for community service. Driving while revoked
14 is a class D felony on the second or subsequent conviction
15 pursuant to section 577.010, RSMo, or a fourth or subsequent
16 conviction for any other offense.

17 302.541. 1. In addition to other fees required by law, any
18 person who has had a license to operate a motor vehicle suspended
19 or revoked following a determination, pursuant to section
20 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo,
21 or any county or municipal ordinance, where [the judge in such
22 case was an attorney and] the defendant was represented by or
23 waived the right to an attorney, that such person was driving
24 while intoxicated or with a blood alcohol content of eight-
25 hundredths of one percent or more by weight or, where such person
26 was at the time of the arrest less than twenty-one years of age
27 and was driving with a blood alcohol content of two-hundredths of
28 one percent or more by weight, shall pay an additional fee of

1 twenty-five dollars prior to the reinstatement or reissuance of
2 the license.

3 2. Any person less than twenty-one years of age whose
4 driving privilege has been suspended or revoked solely for a
5 first determination pursuant to sections 302.500 to 302.540 that
6 such person was driving a motor vehicle with two-hundredths of
7 one percent or more blood alcohol content is exempt from filing
8 proof of financial responsibility with the department of revenue
9 in accordance with chapter 303, RSMo, as a prerequisite for
10 reinstatement of driving privileges or obtaining a restricted
11 driving privilege as provided by section 302.525.

12 416.615. 1. It is unlawful for any person engaged in
13 commerce within this state to sell or offer to sell motor fuel
14 below cost as defined in subdivision (2) of section 416.605, if:

15 (1) The intent or effect of the sale or offer is to injure
16 competition; or

17 (2) The intent or effect of the sale or offer is to induce
18 the purchase of other merchandise, to unfairly divert trade from
19 a competitor, or otherwise to injure a competitor.

20 2. It is unlawful for any person engaged in commerce within
21 this state to sell or offer to sell motor fuel at a price lower
22 than the seller charges other persons at the same time and on the
23 same level of distribution, if the intent or effect of the sale
24 or offer is to injure competition.

25 3. It is unlawful for a person engaged in commerce in this
26 state to sell or transfer motor fuel to itself or an affiliate
27 for resale in this state on a different marketing level of
28 distribution at a transfer price lower than the price it charges

1 a person who purchases for resale at the same time and on the
2 same level of distribution, if the intent or effect of the sale
3 or transfer is to injure competition.

4 416.640. In any action brought pursuant to sections 416.600
5 to 416.640, the burden of proof, upon a prima facie showing of a
6 violation, shall shift to the defendant to show justification.
7 Unless justification is shown, the court shall award judgment for
8 the plaintiff.

9 478.610. 1. There shall be three circuit judges in the
10 thirteenth judicial circuit consisting of the counties of Boone
11 and Callaway. These judges shall sit in divisions numbered one,
12 two and three. Beginning on January 1, 2007, there shall be four
13 circuit judges in the thirteenth judicial circuit and these
14 judges shall sit in divisions numbered one, two, three, and four.

15 2. The circuit judge in division two shall be elected in
16 1980. The circuit judges in divisions one and three shall be
17 elected in 1982. The circuit judge in division four shall be
18 elected in 2006 for a two-year term and thereafter in 2008 for a
19 full four-year term.

20 3. The authority for a majority of judges of the thirteenth
21 judicial circuit to appoint or retain a commissioner pursuant to
22 section 478.003 shall expire August 28, 2001. As of such date,
23 there shall be one additional associate circuit judge position in
24 Boone County than is provided pursuant to section 478.320.

25 516.600. Any action to recover damages from injury or
26 illness caused by childhood sexual abuse in an action brought
27 pursuant to section 537.046, RSMo, shall be commenced within ten
28 years of the plaintiff attaining the age of twenty-one or within

1 three years of the date of discovering, or reasonably should have
2 discovered, that the injury or illness was caused by childhood
3 sexual abuse, whichever later occurs.

4 537.046. 1. As used in this section, the following terms
5 mean:

6 (1) "Childhood sexual abuse", any act committed by the
7 defendant against the plaintiff which act occurred when the
8 plaintiff was under the age of eighteen years and which act would
9 have been a violation of section 566.030, 566.040, 566.050,
10 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120,
11 RSMo, or section 568.020, RSMo;

12 (2) "Injury" or "illness", either a physical injury or
13 illness or a psychological injury or illness. A psychological
14 injury or illness need not be accompanied by physical injury or
15 illness.

16 2. [In any civil action for recovery of damages suffered as
17 a result of childhood sexual abuse, the time for commencement of
18 the action shall be within five years of the date the plaintiff
19 attains the age of eighteen or within three years of the date the
20 plaintiff discovers or reasonably should have discovered that the
21 injury or illness was caused by child sexual abuse, whichever
22 later occurs.

23 3.] This section shall apply to any action commenced on or
24 after August 28, 1990, including any action which would have been
25 barred by the application of the statute of limitation applicable
26 prior to that date.

27 542.276. 1. Any peace officer or prosecuting attorney may
28 make application under section 542.271 for the issuance of a

1 search warrant.

2 2. The application shall:

3 (1) Be in writing, except as provided in this section;

4 (2) State the time and date of the making of the
5 application;

6 (3) Identify the property, article, material, substance or
7 person which is to be searched for and seized, in sufficient
8 detail and particularity that the officer executing the warrant
9 can readily ascertain it;

10 (4) Identify the person, place, or thing which is to be
11 searched, in sufficient detail and particularity that the officer
12 executing the warrant can readily ascertain whom or what [he] the
13 officer is to search;

14 (5) State facts sufficient to show probable cause for the
15 issuance of a search warrant;

16 (6) Be verified by the oath or affirmation of the
17 applicant;

18 (7) Be filed in the proper court;

19 (8) Be signed or verbally authorized pursuant to this
20 section for telephonic search warrants by the prosecuting
21 attorney of the county where the search is to take place, or
22 [his] the prosecuting attorney's designated assistant.

23 3. The application may be supplemented by a written
24 affidavit verified by oath or affirmation. Such affidavit shall
25 be considered in determining whether there is probable cause for
26 the issuance of a search warrant and in filling out any
27 deficiencies in the description of the person, place, or thing to
28 be searched or of the property, article, material, substance, or

1 person to be seized. Oral testimony shall not be considered.

2 4. The judge shall hold a nonadversary hearing to determine
3 whether sufficient facts have been stated to justify the issuance
4 of a search warrant. If it appears from the application and any
5 supporting affidavit that there is probable cause to believe that
6 property, article, material, substance, or person subject to
7 seizure is on the person or at the place or in the thing
8 described, a search warrant shall immediately be issued. The
9 warrant shall be issued in the form of an original and two
10 copies.

11 5. The application and any supporting affidavit and a copy
12 of the warrant shall be retained in the records of the court from
13 which the warrant was issued.

14 6. In lieu of, or in addition to, a written application,
15 affidavit, or affidavits, as provided in this section, the
16 prosecuting attorney may give voice authorization to the
17 applicant to affix the prosecutor's signature at the conclusion
18 of an oral application recorded and preserved pursuant to the
19 procedures of this section. After the prosecutor's signature has
20 been affixed, the applicant shall contact the judge who may take
21 an oral statement under oath which shall be recorded on tape,
22 wire or other comparable method or transmitted by a facsimile.
23 Such statement may be given in person to the judge or by
24 telephone, radio or other means of electronic communication
25 including a facsimile transmission. Such statement shall be
26 deemed to be an application and an affidavit for the purposes of
27 issuance of a search warrant. In such cases if a recording of
28 the sworn statement has been made, the judge shall direct that

1 the statement be transcribed, and certified by the peace officer,
2 and filed with the court. Such affidavit shall be considered in
3 determining whether there is probable cause for the issuance of a
4 search warrant and in filling out any deficiencies in the
5 description of the person, place, or thing to be searched or of
6 the property, article, material, substance, or person to be
7 seized. To ensure uniformity in making applications for search
8 warrant by wire or other comparable method or by transmission by
9 facsimile, the forms for the application and affidavit for a
10 telephonic search warrant and the duplicate original search
11 warrant is as follows:

12 APPLICATION FOR TELEPHONE SEARCH WARRANT

13 Prosecuting Attorney: Hello.

14 Officer: Prosecutor , this is officer
15 , of the I am calling
16 you on(date) with officer
17 standing by as a witness. The time now is I am
18 calling with an application for a telephonic search warrant and
19 have just, probable and reasonable cause to believe that there is
20 now in the possession of

21

22 On the premises located at

23

24 Which consists of

25

26 In the vehicle described as

27 The following property, to wit:

28

1
2 Together with other fruits, instrumentalities and evidence of the
3 crime(s) of
4 As set forth in this affidavit. That I,
5 your affiant, am a peace officer in the State of Missouri,
6 employed by
7 I have been a police officer for years, and have the
8 following special training and experience:
9
10 I am investigating the crime(s) of
11
12 which I believe to have been committed on the day of
13,, in,
14 based upon the following reasons:
15
16
17 I believe that the property I described earlier in this affidavit
18 is evidence of
19
20 For the following reasons:
21
22
23 I believe the property I previously described in this application
24 is presently:
25 ☐ On the premises located at
26
27 ☐ Which consists of
28

1 □ On the person of
2 □ In the vehicle described as
3 My belief that the property is presently at these locations is
4 based upon the following reasons:
5
6
7
8 That based on the preceding facts, I,
9 request that a telephonic search warrant be issued. I, also,
10 request that you consider this application and incorporate it
11 into the warrant itself. This concludes my application.
12 Mr./Madame Prosecutor, do I have permission to sign your name?
13 Prosecutor: (Await Prosecutor's reply)
14 AFFIDAVIT FOR TELEPHONE SEARCH WARRANT
15 Judge: Hello.
16 Officer: Judge, this is officer
17 , of the Will you
18 swear me in, please?
19 Judge: (The judge swears the officer in.)
20 Officer: This is of the
21 I am calling you on(date)
22 with officer standing by as a witness. The
23 time now is At hours, Prosecutor
24 authorized me to affix the prosecutor's signature
25 to an application for search warrant in County. I have
26 recorded that call and am including it in as a reference. I am
27 calling for a telephonic search warrant and have just, probable
28 and reasonable cause to believe that there is now in the

1 possession of
2
3 On the premises located at
4
5 Which consists of
6
7 In the vehicle described as
8 The following property, to wit:
9
10
11 Together with other fruits, instrumentalities and evidence of the
12 crime(s) of
13 As set forth in this affidavit. That I,,
14 your affiant, am a peace officer in the State of Missouri,
15 employed by
16 I have been a police officer for years, and have the
17 following special training and experience:
18
19 I am investigating the crime(s) of
20
21 which I believe to have been committed on the day of
22,, in,
23 based upon the following reasons:
24
25
26 I believe that the property I described earlier in this affidavit
27 is evidence of
28

1 For the following reasons:

2

3

4

5 I believe the property I previously described in this affidavit
6 is presently:

7 ☐ On the premises located at

8

9 ☐ Which consists of

10

11 ☐ On the person of

12 ☐ In the vehicle described as

13 My belief that the property is presently at these locations is
14 based upon the following reasons:

15

16

17 I believe it is necessary to search for this evidence after 10:00
18 p.m. and before 6:30 a.m., for the reason that it is now
19 and, therefore, I cannot serve it before 10:00 p.m. tonight, and

20

21

22 That based on the preceding facts, I,
23 request that a telephonic search warrant be issued. I, also,
24 request that you consider this affidavit and incorporate it into
25 the warrant itself. This concludes my affidavit, your honor.

26 Judge: (Await Judge's reply)

27 Officer: I will now read verbatim to you the standard Missouri
28 duplicate original search warrant, State of Missouri, indicating

1 which spaces I have completed and which ones I have left blank.

2 STANDARD MISSOURI DUPLICATE ORIGINAL SEARCH WARRANT

3 STATE OF MISSOURI

4 No.

5 COUNTY OF, STATE OF MISSOURI

6 To any peace officer in the State of Missouri:

7 Proof by affidavit having been made this day before me by

8, I am satisfied that there is

9 probable cause to believe that:

10 ☐ On the person(s) of

11

12 ☐ On the premises known as

13

14 ☐ In the vehicle(s) described as

15

16 in the City of, County of,

17 State of Missouri, there is now being possessed or concealed

18 certain property or things described as:

19

20

21 which property or things:

22 ☐ Were stolen or embezzled

23 ☐ Were used as a means for committing a public offense

24 ☐ Is being possessed with the intent to use it as a means of

25 committing a public offense

26 ☐ Are in the possession of

27

28

1 to whom it was delivered for the purpose of concealing it or
2 preventing it from being discovered.

3 □ Consists of any item or constitutes any evidence which tends
4 to show that a public offense has been committed, such being more
5 fully described in the affidavit, to wit:
6
7 which offense occurred on or about the day of,
8, in

9 YOU ARE THEREFORE COMMANDED:

10 Return this warrant to me within ten (10) days of the date
11 thereof, as directed by section 542.276, RSMo.

12 Given under my hand and dated this day of,
13

14

15 Judge of Court

16 Officer: That concludes the reading of the standard Missouri
17 duplicate search warrant. Do I have your permission to sign your
18 name?

19 Judge: (Reply)

20 Officer: I am signing my name,, date
21, time, beneath yours, and I will also
22 have officer sign as a
23 witness.

24 7. The search warrant shall:

- 25 (1) Be in writing and in the name of the state of Missouri;
- 26 (2) Be directed to any peace officer in the state;
- 27 (3) State the time and date the warrant is issued;
- 28 (4) Identify the property, article, material, substance or

1 person which is to be searched for and seized, in sufficient
2 detail and particularity that the officer executing the warrant
3 can readily ascertain it;

4 (5) Identify the person, place, or thing which is to be
5 searched, in sufficient detail and particularity that the officer
6 executing the warrant can readily ascertain whom or what he is to
7 search;

8 (6) Command that the described person, place, or thing be
9 searched and that any of the described property, article,
10 material, substance, or person found thereon or therein be seized
11 or photographed or copied and be returned, or the photograph or
12 copy be brought, within ten days after filing of the application,
13 to the judge who issued the warrant, to be dealt with according
14 to law;

15 (7) Be signed by the judge, with his title of office
16 indicated. The judge may orally authorize a peace officer to
17 sign the judge's name on a search warrant if the peace officer
18 applying for the warrant is not in the actual physical presence
19 of the judge or the judge may transmit the judge's signature by a
20 facsimile machine. Such warrant shall be called a duplicate
21 original search warrant and shall be deemed a search warrant for
22 the purposes of sections 542.261 to 542.296. In such cases, the
23 judge shall cause to be issued an original search warrant docket
24 number and shall enter the exact time of issuance of the
25 duplicate original warrant in the court record. The officer
26 shall present a verbatim transcription of the recorded
27 application, affidavit and duplicate original search warrant to
28 the issuing judge within ten days along with the original

1 recording. The judge may retain the recording in the care and
2 custody of the court or may direct the peace officer to preserve
3 the recording as evidence in the custody of the law enforcement
4 agency. Upon the return of the duplicate original warrant, the
5 judge shall cause it to be filed under the issued docket number
6 as a duplicate original search warrant.

7 [7.] 8. A search warrant issued under this section may be
8 executed only by a peace officer. The warrant shall be executed
9 by conducting the search and seizure commanded.

10 [8.] 9. A search warrant shall be executed as soon as
11 practicable and shall expire if it is not executed and the return
12 made within ten days after the date of the making of the
13 application.

14 [9.] 10. After execution of the search warrant, the
15 warrant with a return thereon, signed by the officer making the
16 search, shall be delivered to the judge who issued the warrant.
17 The return shall show the date and manner of execution, what was
18 seized, and the name of the possessor and of the owner, when he
19 is not the same person, if known. The return shall be
20 accompanied by a copy of the itemized receipt required by
21 subsection 6 of section 542.291. The judge or clerk shall, upon
22 request, deliver a copy of such receipt to the person from whose
23 possession the property was taken and to the applicant for the
24 warrant.

25 [10.] 11. A search warrant shall be deemed invalid:

26 (1) If it was not issued by a judge; or

27 (2) If it was issued without a written application having
28 been filed and verified; or

- 1 (3) If it was issued without probable cause; or
2 (4) If it was not issued in the proper county; or
3 (5) If it does not describe the person, place, or thing to
4 be searched or the property, article, material, substance, or
5 person to be seized with sufficient certainty; or
6 (6) Except as provided in subsection 7 of this section, if
7 it is not signed by the judge who issued it; or
8 (7) If it was not executed within the time prescribed by
9 subsection [8] 9 of this section.

10 544.170. 1. [Except as provided in subsection 2 of this
11 section,] All persons arrested and confined in any jail or other
12 place of confinement by any peace officer, without warrant or
13 other process, for any alleged breach of the peace or other
14 criminal offense, or on suspicion thereof, shall be discharged
15 from said custody within [twenty] twenty-four hours from the time
16 of such arrest, unless they shall be charged with a criminal
17 offense by the oath of some credible person, and be held by
18 warrant to answer to such offense.

19 2. [Upon a determination by the commanding officer, or the
20 delegate thereof, of the law enforcement agency making such an
21 arrest, a person arrested for any of the following offenses
22 without warrant or other process of law shall be released from
23 custody within twenty-four hours of arrest, unless the person is
24 charged and held pursuant to a warrant to answer for such
25 offense:

- 26 (1) First degree murder pursuant to section 565.020, RSMo;
27 (2) Second degree murder pursuant to section 565.021, RSMo;
28 (3) First degree assault pursuant to section 565.050, RSMo;

1 (4) Forcible rape pursuant to section 566.030, RSMo;
2 (5) Forcible sodomy pursuant to section 566.060, RSMo;
3 (6) First degree robbery pursuant to section 569.020, RSMo;
4 or
5 (7) Distribution of drugs pursuant to section 195.211,
6 RSMo.

7 3.] In any confinement to which the provisions of this
8 section apply, the confinee shall be permitted at any reasonable
9 time to consult with counsel or other persons acting on the
10 confinee's behalf.

11 [4.] 3. Any person who violates the provisions of this
12 section, by refusing to release any person who is entitled to
13 release pursuant to this section, or by refusing to permit a
14 confinee to consult with counsel or other persons, or who
15 transfers any such confinees to the custody or control of
16 another, or to another place, or who falsely charges such person,
17 with intent to avoid the provisions of this section, is guilty of
18 a class A misdemeanor.

19 565.085. 1. Any person who causes or attempts to cause an
20 employee of the department of corrections, or any person assigned
21 to work in any jail, prison, or correctional facility to come
22 into contact with blood, seminal fluid, urine, feces, or saliva.

23 2. Any person who violates the provisions of subsection 1
24 of this section is guilty of a class D felony.

25 3. If a person knowingly puts an employee of the department
26 of corrections, or a person assigned to work in any jail, prison,
27 or correctional facility in danger of contracting HIV, Hepatitis
28 B, or Hepatitis C through endangerment of corrections personnel,

1 then the person is guilty of a class B felony.

2 4. If a person causes or attempts to cause an employee of
3 the department of corrections or assigned to work in any jail,
4 prison, or correctional facility to come into contact with an
5 unidentified substance then the person is guilty of a class A
6 misdemeanor.

7 565.092. 1. [An inmate,] A patient or respondent is guilty
8 of aggravated harassment of an employee when, with intent to
9 harass, annoy, threaten or alarm a person in a facility whom the
10 person knows or reasonably should know to be an employee of such
11 facility [or of the department of corrections] or the department
12 of mental health or to be an employee of any law enforcement
13 agency, the person causes or attempts to cause such employee to
14 come into contact with blood, seminal fluid, urine or feces, by
15 throwing, tossing or expelling such fluid or material.

16 2. For the purposes of this section, ["inmate" means an
17 offender, as defined in section 217.010, RSMo, or any person
18 incarcerated in a local detention facility. For the purposes of
19 this section,] "patient" means any person who is a patient in a
20 facility operated by the department of mental health. For
21 purposes of this section, "respondent" means a juvenile in a
22 secure facility operated and maintained by the division of youth
23 services. For purposes of this section, "facility" means a
24 [correctional facility or local correctional facility,] hospital
25 operated by the department of mental health or a secure facility
26 operated by the division of youth services.

27 3. [No person convicted and serving a sentence for the
28 crime of aggravated harassment of an employee pursuant to the

provisions of this section shall be eligible to participate in a work release program pursuant to section 217.435, RSMo.

4.] Any person who violates the provisions of this section is guilty of a class A misdemeanor.

565.305. 1. As used in this section, the following words and phrases shall mean:

(1) "Clone a human being" or "cloning a human being", the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male;

(2) "Cloned human being", a human being created by human cloning;

(3) "Public employee", any person employed by the state of Missouri or any agency or political subdivision thereof;

(4) "Public facilities", any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Missouri or any agency or political subdivision thereof;

(5) "Public funds", any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

2. No person shall knowingly clone a human being or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.

1 4. No person shall knowingly use public facilities to clone
2 a human being or attempt to clone a human being.

3 5. No public employee shall knowingly allow any person to
4 clone a human being or attempt to clone a human being while
5 making use of public funds or public facilities.

6 6. Any person who violates the provisions of subsections 2
7 to 5 of this section is guilty of a class B felony.

8 7. The laws of this state shall be interpreted and
9 construed to acknowledge on behalf of a cloned human being at
10 every stage of development, all the rights, privileges, and
11 immunities available to other persons, citizens, and residents of
12 this state, subject only to the Constitution of the United States
13 and decisional interpretations thereof by the United States
14 Supreme Court and specific provisions to the contrary in the
15 statutes and constitution of this state.

16 570.137. 1. A person who knowingly obtains, possesses, or
17 uses personal identifying information of another person, living
18 or dead, without the consent of such person, with the intent to
19 fraudulently represent that the person for the purposes of making
20 financial or credit transactions in the other person's name, to
21 obtain anything of value, benefit, or advantage, or for the
22 purpose of avoiding legal consequences is guilty of a class C
23 felony.

24 2. As used in this section, the term "identifying
25 information" shall include, but not be limited to, the following:

26 (1) Social Security numbers;

27 (2) Drivers license numbers;

28 (3) Checking account numbers;

1 (4) Savings account numbers;
2 (5) Credit card numbers;
3 (6) Debit card numbers;
4 (7) Personal identification number codes;
5 (8) Electronic identification numbers;
6 (9) Digital signatures;
7 (10) Any other numbers or information that can be used to
8 access a person's financial resource;
9 (11) Biometric data;
10 (12) Fingerprints;
11 (13) Passwords;
12 (14) Parent's legal surname prior to marriage.
13 3. It shall not be a violation of this section for a person
14 to do any of the following:
15 (1) Lawfully obtain credit information in the course of a
16 bona fide consumer or commercial transaction;
17 (2) Lawfully exercise, in good faith, a security interest
18 or a right of offset by the creditor or financial institution;
19 (3) Lawfully comply, in good faith, with any warrant, court
20 order, levy, garnishment, attachment, or other judicial or
21 administrative order, decree, or directive, when any party is
22 required to do so.
23 570.138. 1. It is unlawful for a person to sell, transfer,
24 or purchase the identifying information of another person with
25 the intent to commit financial identity fraud, or to assist
26 another person in committing financial identity fraud as set
27 forth in section 570.135.
28 2. A violation of this section is a class C felony.

1 570.400. A person commits the crime of motor vehicle theft
2 if he or she appropriates a motor vehicle of another with the
3 purpose to deprive him or her thereof, either without his or her
4 consent or by means of deceit or coercion. Motor vehicle theft
5 is a class C felony.

6 570.405. A person commits the crime of carjacking when he
7 or she obtains unauthorized possession or control of a motor
8 vehicle from another individual in actual possession by
9 intimidation, force, or a threat of force. Carjacking is a class
10 B felony.

11 570.410. 1. A person commits the crime of unauthorized use
12 of a vehicle if he or she:

13 (1) Having custody of a vehicle pursuant to an agreement
14 between himself or herself and the owner of such vehicle to
15 perform for compensation a specific service for the owner
16 involving the maintenance, repair, or use of such vehicle, he or
17 she intentionally uses or operates the same, without the consent
18 of the owner for his or her own purposes in a manner constituting
19 a gross deviation from the agreed purpose; and

20 (2) Having custody of a vehicle pursuant to an agreement
21 with the owner of such vehicle to be returned to the owner at a
22 specified time, he or she intentionally retains or withholds
23 possession beyond the specified time as to render such retention
24 or possession a gross deviation from the agreement.

25 2. Unauthorized use of a vehicle is a class A misdemeanor.

26 570.415. 1. A person commits the crime of tampering if, he
27 or she without the consent of the owner, takes, operates,
28 exercises control over, rides in, or otherwise uses a motor

1 vehicle. For the purposes of this subdivision, the act of
2 taking, operating, exercising control over, riding in, or
3 otherwise using the motor vehicle while the keys are in the motor
4 vehicle, and when the owner is not present, shall be prima facie
5 evidence that the person did not have the owner's consent.

6 2. Tampering is a class B misdemeanor. Every person who
7 pleads guilty to or is found guilty of a second violation is
8 guilty of a class A misdemeanor. Every person who pleads guilty
9 to or is found guilty of third or subsequent violations is guilty
10 of a class D felony.

11 574.110. 1. No person, while at the scene of an accident
12 or other emergency, shall fail to obey the lawful order of a law
13 enforcement officer.

14 2. An order shall be considered lawful if the purpose of
15 the order is:

16 (1) To protect the safety of emergency personnel or members
17 of the public;

18 (2) To provide better access to the emergency scene by
19 emergency personnel, vehicles, or equipment;

20 (3) To protect the privacy or well-being of victims;

21 (4) To preserve evidence; or

22 (5) To ensure reasonable precautions to enable progress of
23 the emergency personnel's work.

24 3. Any person who violates the provisions of subsection 1
25 of this section is guilty of a class A misdemeanor.

26 4. This section shall not apply to emergency personnel when
27 in the performance of their duties.

28 577.023. 1. For purposes of this section, unless the

1 context clearly indicates otherwise:

2 (1) An "intoxication-related traffic offense" is driving
3 while intoxicated, driving with excessive blood alcohol content,
4 involuntary manslaughter pursuant to subdivision (2) of
5 subsection 1 of section 565.024, RSMo, assault in the second
6 degree pursuant to subdivision (4) of subsection 1 of section
7 565.060, RSMo, assault of a law enforcement officer in the second
8 degree pursuant to subdivision (3) of subsection 1 of section
9 565.082, RSMo, or driving under the influence of alcohol or drugs
10 in violation of state law or a county or municipal ordinance,
11 where [the judge in such case was an attorney and] the defendant
12 was represented by or waived the right to an attorney in writing;

13 (2) A "persistent offender" is one of the following:

14 (a) A person who has pleaded guilty to or has been found
15 guilty of two or more intoxication-related traffic offenses,
16 where such two or more offenses occurred within ten years of the
17 occurrence of the intoxication-related traffic offense for which
18 the person is charged;

19 (b) A person who has pleaded guilty to or has been found
20 guilty of involuntary manslaughter pursuant to subsection 1 of
21 section 565.024, RSMo, assault in the second degree pursuant to
22 subdivision (4) of subsection 1 of section 565.060, RSMo, assault
23 of a law enforcement officer in the second degree pursuant to
24 subdivision (3) of subsection 1 of section 565.082, RSMo; and

25 (3) A "prior offender" is a person who has pleaded guilty
26 to or has been found guilty of one intoxication-related traffic
27 offense, where such prior offense occurred within five years of
28 the occurrence of the intoxication-related traffic offense for

1 which the person is charged.

2 2. Any person who pleads guilty to or is found guilty of a
3 violation of section 577.010 or 577.012 who is alleged and proved
4 to be a prior offender shall be guilty of a class A misdemeanor.

5 3. Any person who pleads guilty to or is found guilty of a
6 violation of section 577.010 or 577.012 who is alleged and proved
7 to be a persistent offender shall be guilty of a class D felony.

8 4. No court shall suspend the imposition of sentence as to
9 a prior or persistent offender under this section nor sentence
10 such person to pay a fine in lieu of a term of imprisonment,
11 section 557.011, RSMo, to the contrary notwithstanding. No prior
12 offender shall be eligible for parole or probation until he has
13 served a minimum of five days imprisonment, unless as a condition
14 of such parole or probation such person performs at least thirty
15 days of community service under the supervision of the court in
16 those jurisdictions which have a recognized program for community
17 service. No persistent offender shall be eligible for parole or
18 probation until he or she has served a minimum of ten days
19 imprisonment, unless as a condition of such parole or probation
20 such person performs at least sixty days of community service
21 under the supervision of the court.

22 5. The court shall find the defendant to be a prior
23 offender or persistent offender, if:

24 (1) The indictment or information, original or amended, or
25 the information in lieu of an indictment pleads all essential
26 facts warranting a finding that the defendant is a prior offender
27 or persistent offender; and

28 (2) Evidence is introduced that establishes sufficient

1 facts pleaded to warrant a finding beyond a reasonable doubt the
2 defendant is a prior offender or persistent offender; and

3 (3) The court makes findings of fact that warrant a finding
4 beyond a reasonable doubt by the court that the defendant is a
5 prior offender or persistent offender.

6 6. In a jury trial, the facts shall be pleaded, established
7 and found prior to submission to the jury outside of its hearing.
8

9 7. In a trial without a jury or upon a plea of guilty, the
10 court may defer the proof in findings of such facts to a later
11 time, but prior to sentencing.

12 8. The defendant shall be accorded full rights of
13 confrontation and cross-examination, with the opportunity to
14 present evidence, at such hearings.

15 9. The defendant may waive proof of the facts alleged.

16 10. Nothing in this section shall prevent the use of
17 presentence investigations or commitments.

18 11. At the sentencing hearing both the state and the
19 defendant shall be permitted to present additional information
20 bearing on the issue of sentence.

21 12. The pleas or findings of guilty shall be prior to the
22 date of commission of the present offense.

23 13. The court shall not instruct the jury as to the range
24 of punishment or allow the jury, upon a finding of guilty, to
25 assess and declare the punishment as part of its verdict in cases
26 of prior offenders or persistent offenders.

27 14. Evidence of prior convictions shall be heard and
28 determined by the trial court out of the hearing of the jury

1 prior to the submission of the case to the jury, and shall
2 include but not be limited to evidence of convictions received by
3 a search of the records of the Missouri uniform law enforcement
4 system maintained by the Missouri state highway patrol. After
5 hearing the evidence, the court shall enter its findings thereon.
6 A conviction of a violation of a municipal or county ordinance in
7 a county or municipal court for driving while intoxicated or a
8 conviction or a plea of guilty or a finding of guilty followed by
9 a suspended imposition of sentence, suspended execution of
10 sentence, probation or parole or any combination thereof in a
11 state court shall be treated as a prior conviction.

12 577.041. 1. Except as provided in subsection 9 of this
13 section, if a person under arrest, or who has been stopped
14 pursuant to subdivision (2) or (3) of subsection 1 of section
15 577.020, refuses upon the request of the officer to submit to any
16 test allowed pursuant to section 577.020, then none shall be
17 given and evidence of the refusal shall be admissible in a
18 proceeding pursuant to section 565.024 or 565.060, RSMo, or
19 section 577.010 or 577.012. The request of the officer shall
20 include the reasons of the officer for requesting the person to
21 submit to a test and also shall inform the person that evidence
22 of refusal to take the test may be used against such person and
23 that the person's license shall be immediately revoked upon
24 refusal to take the test. If a person when requested to submit
25 to any test allowed pursuant to section 577.020 requests to speak
26 to an attorney, the person shall be granted twenty minutes in
27 which to attempt to contact an attorney. If upon the completion
28 of the twenty-minute period the person continues to refuse to

1 submit to any test, it shall be deemed a refusal. In this event,
2 the officer shall, on behalf of the director of revenue, serve
3 the notice of license revocation personally upon the person and
4 shall take possession of any license to operate a motor vehicle
5 issued by this state which is held by that person. The officer
6 shall issue a temporary permit, on behalf of the director of
7 revenue, which is valid for fifteen days and shall also give the
8 person a notice of such person's right to file a petition for
9 review to contest the license revocation.

10 2. The officer shall make a sworn report to the director of
11 revenue, which shall include the following:

12 (1) That the officer has:

13 (a) Reasonable grounds to believe that the arrested person
14 was driving a motor vehicle while in an intoxicated or drugged
15 condition; or

16 (b) Reasonable grounds to believe that the person stopped,
17 being under the age of twenty-one years, was driving a motor
18 vehicle with a blood alcohol content of two-hundredths of one
19 percent or more by weight; or

20 (c) Reasonable grounds to believe that the person stopped,
21 being under the age of twenty-one years, was committing a
22 violation of the traffic laws of the state, or political
23 subdivision of the state, and such officer has reasonable grounds
24 to believe, after making such stop, that the person had a blood
25 alcohol content of two-hundredths of one percent or greater;

26 (2) That the person refused to submit to a chemical test;

27 (3) Whether the officer secured the license to operate a
28 motor vehicle of the person;

1 (4) Whether the officer issued a fifteen-day temporary
2 permit;

3 (5) Copies of the notice of revocation, the fifteen-day
4 temporary permit and the notice of the right to file a petition
5 for review, which notices and permit may be combined in one
6 document; [and]

7 (6) Any license to operate a motor vehicle which the
8 officer has taken into possession.

9 3. Upon receipt of the officer's report, the director shall
10 revoke the license of the person refusing to take the test for a
11 period of one year; or if the person is a nonresident, such
12 person's operating permit or privilege shall be revoked for one
13 year; or if the person is a resident without a license or permit
14 to operate a motor vehicle in this state, an order shall be
15 issued denying the person the issuance of a license or permit for
16 a period of one year.

17 4. If a person's license has been revoked because of the
18 person's refusal to submit to a chemical test, such person may
19 petition for a hearing before a circuit or associate circuit
20 court in the county in which the arrest or stop occurred. The
21 person may request such court to issue an order staying the
22 revocation until such time as the petition for review can be
23 heard. If the court, in its discretion, grants such stay, it
24 shall enter the order upon a form prescribed by the director of
25 revenue and shall send a copy of such order to the director.
26 Such order shall serve as proof of the privilege to operate a
27 motor vehicle in this state and the director shall maintain
28 possession of the person's license to operate a motor vehicle

1 until termination of any revocation pursuant to this section.

2 Upon the person's request the clerk of the court shall notify the
3 prosecuting attorney of the county and the prosecutor shall
4 appear at the hearing on behalf of the director of revenue. At
5 the hearing the court shall determine only:

6 (1) Whether or not the person was arrested or stopped;

7 (2) Whether or not the officer had:

8 (a) Reasonable grounds to believe that the person was
9 driving a motor vehicle while in an intoxicated or drugged
10 condition; or

11 (b) Reasonable grounds to believe that the person stopped,
12 being under the age of twenty-one years, was driving a motor
13 vehicle with a blood alcohol content of two-hundredths of one
14 percent or more by weight; or

15 (c) Reasonable grounds to believe that the person stopped,
16 being under the age of twenty-one years, was committing a
17 violation of the traffic laws of the state, or political
18 subdivision of the state, and such officer had reasonable grounds
19 to believe, after making such stop, that the person had a blood
20 alcohol content of two-hundredths of one percent or greater; and

21 (3) Whether or not the person refused to submit to the
22 test.

23 5. If the court determines any issue not to be in the
24 affirmative, the court shall order the director to reinstate the
25 license or permit to drive.

26 6. Requests for review as provided in this section shall go
27 to the head of the docket of the court wherein filed.

28 7. No person who has had a license to operate a motor

1 vehicle suspended or revoked pursuant to the provisions of this
2 section shall have that license reinstated until such person has
3 participated in and successfully completed a substance abuse
4 traffic offender program defined in section 577.001, or a program
5 determined to be comparable by the department or the court.
6 Assignment recommendations, based upon the needs assessment as
7 described in subdivision (22) of section 302.010, RSMo, shall be
8 delivered in writing to the person with written notice that the
9 person is entitled to have such assignment recommendations
10 reviewed by the court if the person objects to the
11 recommendations. The person may file a motion in the associate
12 division of the circuit court of the county in which such
13 assignment was given, on a printed form provided by the state
14 courts administrator, to have the court hear and determine such
15 motion pursuant to the provisions of chapter 517, RSMo. The
16 motion shall name the person or entity making the needs
17 assessment as the respondent and a copy of the motion shall be
18 served upon the respondent in any manner allowed by law. Upon
19 hearing the motion, the court may modify or waive any assignment
20 recommendation that the court determines to be unwarranted based
21 upon a review of the needs assessment, the person's driving
22 record, the circumstances surrounding the offense, and the
23 likelihood of the person committing a like offense in the future,
24 except that the court may modify but may not waive the assignment
25 to an education or rehabilitation program of a person determined
26 to be a prior or persistent offender as defined in section
27 577.023, or of a person determined to have operated a motor
28 vehicle with fifteen-hundredths of one percent or more by weight

1 in such person's blood. Compliance with the court determination
2 of the motion shall satisfy the provisions of this section for
3 the purpose of reinstating such person's license to operate a
4 motor vehicle. The respondent's personal appearance at any
5 hearing conducted pursuant to this subsection shall not be
6 necessary unless directed by the court.

7 8. The fees for the substance abuse traffic offender
8 program, or a portion thereof to be determined by the division of
9 alcohol and drug abuse of the department of mental health, shall
10 be paid by the person enrolled in the program. Any person who is
11 enrolled in the program shall pay, in addition to any fee charged
12 for the program, a supplemental fee of sixty dollars. The
13 administrator of the program shall remit to the division of
14 alcohol and drug abuse of the department of mental health the
15 supplemental fee for all persons enrolled in the program, less
16 two percent for administrative costs. The supplemental fees
17 received by the department of mental health pursuant to this
18 section shall be deposited in the mental health earnings fund
19 which is created in section 630.053, RSMo.

20 9. Even though person has refused to submit to any test
21 allowed pursuant to subsection 1 of section 577.020, blood,
22 saliva, or urine may still be collected from such person if the
23 officer has a valid search warrant for such blood, saliva, or
24 urine. The fact that such evidence was obtained through the use
25 of a search warrant does not negate the person's refusal to
26 submit to any test an such person shall still have his or her
27 license revoked pursuant to subsection 3 of this section for
28 refusal to submit to any test.

1 577.500. 1. A court of competent jurisdiction shall, upon
2 a plea of guilty, conviction or finding of guilt, or, if the
3 court is a juvenile court, upon a finding of fact that the
4 offense was committed by a juvenile, enter an order suspending or
5 revoking the driving privileges of any person determined to have
6 committed one of the following offenses and who, at the time said
7 offense was committed, was under twenty-one years of age:

8 (1) Any alcohol related traffic offense in violation of
9 state law or a county or, beginning July 1, 1992, municipal
10 ordinance, where [the judge in such case was an attorney and] the
11 defendant was represented by or waived the right to an attorney
12 in writing;

13 (2) Any offense in violation of state law or, beginning
14 July 1, 1992, a county or municipal ordinance, where [the judge
15 in such case was an attorney and] the defendant was represented
16 by or waived the right to an attorney in writing, involving the
17 possession or use of alcohol, committed while operating a motor
18 vehicle;

19 (3) Any offense involving the possession or use of a
20 controlled substance as defined in chapter 195, RSMo, in
21 violation of the state law or, beginning July 1, 1992, a county
22 or municipal ordinance, where [the judge in such case was an
23 attorney and] the defendant was represented by or waived the
24 right to an attorney in writing;

25 (4) Any offense involving the alteration, modification or
26 misrepresentation of a license to operate a motor vehicle in
27 violation of section 311.328, RSMo;

28 (5) Any offense in violation of state law or, beginning

1 July 1, 1992, a county or municipal ordinance, where [the judge
2 in such case was an attorney and] the defendant was represented
3 by or waived the right to an attorney in writing, involving the
4 possession or use of alcohol for a second time; except that a
5 determination of guilt or its equivalent shall have been made for
6 the first offense and both offenses shall have been committed by
7 the person when the person was under eighteen years of age.

8 2. The court shall require the surrender to it of any
9 license to operate a motor vehicle then held by any person
10 against whom a court has entered an order suspending or revoking
11 driving privileges under subsection 1 of this section.

12 3. The court, if other than a juvenile court, shall forward
13 to the director of revenue the order of suspension or revocation
14 of driving privileges and any licenses acquired under subsection
15 2 of this section.

16 4. (1) The court, if a juvenile court, shall forward to
17 the director of revenue the order of suspension or revocation of
18 driving privileges and any licenses acquired under subsection 2
19 of this section for any person sixteen years of age or older, the
20 provision of chapter 211, RSMo, to the contrary notwithstanding.

21 (2) The court, if a juvenile court, shall hold the order of
22 suspension or revocation of driving privileges for any person
23 less than sixteen years of age until thirty days before the
24 person's sixteenth birthday, at which time the juvenile court
25 shall forward to the director of revenue the order of suspension
26 or revocation of driving privileges, the provision of chapter
27 211, RSMo, to the contrary notwithstanding.

28 5. The period of suspension for a first offense under this

1 section shall be ninety days. Any second or subsequent offense
2 under this section shall result in revocation of the offender's
3 driving privileges for one year.

4 578.160. Any person who obtains information not intended
5 for that person by intercepting a cellular or radio transmission
6 and publishes such information to any person other than the
7 original intended recipient is guilty of a class A misdemeanor.

8 589.400. 1. Sections 589.400 to 589.425 shall apply to:

9 (1) Any person who, since July 1, 1979, has been or is
10 hereafter convicted of, been found guilty of, or pled guilty to
11 committing, or attempting to commit, a felony offense of chapter
12 566, RSMo, or any offense of chapter 566, RSMo, where the victim
13 is a minor; or

14 (2) Any person who, since July 1, 1979, has been or is
15 hereafter convicted of, been found guilty of, or pled guilty to
16 committing, or attempting to commit one or more of the following
17 offenses: kidnapping, pursuant to section 565.110, RSMo;
18 felonious restraint; promoting prostitution in the first degree;
19 promoting prostitution in the second degree; promoting
20 prostitution in the third degree; incest; abuse of a child,
21 pursuant to section 568.060, RSMo; use of a child in a sexual
22 performance; or promoting sexual performance by a child; and
23 committed or attempted to commit the offense against a victim who
24 is a minor, defined for the purposes of sections 589.400 to
25 589.425 as a person under eighteen years of age; or

26 (3) Any person who, since July 1, 1979, has been committed
27 to the department of mental health as a criminal sexual
28 psychopath; or

1 (4) Any person who, since July 1, 1979, has been found not
2 guilty as a result of mental disease or defect of any offense
3 listed in subdivision (1) or (2) of this subsection; or

4 (5) Any person who is a resident of this state who has,
5 since July 1, 1979, or is hereafter convicted of, been found
6 guilty of, or pled guilty to or nolo contendere in any other
7 state or under federal jurisdiction to committing, or attempting
8 to commit, an offense which, if committed in this state, would be
9 a violation of chapter 566, RSMo, or a felony violation of any
10 offense listed in subdivision (2) of this subsection or has been
11 or is required to register in another state or has been or is
12 required to register under federal or military law; or

13 (6) Any person who has been or is required to register in
14 another state or has been or is required to register under
15 federal or military law and who works or attends school or
16 training on a full-time or on a part-time basis in Missouri.
17 "Part-time" in this subdivision means for more than fourteen days
18 in any twelve-month period.

19 2. Any person to whom sections 589.400 to 589.425 apply
20 shall, within ten days of conviction, release from incarceration,
21 or placement upon probation, register with the chief law
22 enforcement official of the county in which such person resides
23 unless such person has already registered in that county for the
24 same offense. Any person to whom sections 589.400 to 589.425
25 apply if not currently registered in their county of residence
26 shall register with the chief law enforcement official of such
27 county within ten days of August 28, 2002. The chief law
28 enforcement official shall forward a copy of the registration

1 form required by section 589.407 to a city, town [or], village or
2 campus law enforcement agency located within the county of the
3 chief law enforcement official, if so requested. Such request
4 may ask the chief law enforcement official to forward copies of
5 all registration forms filed with such official. The chief law
6 enforcement official may forward a copy of such registration form
7 to any city, town [or], village or campus law enforcement agency,
8 if so requested.

9 3. The registration requirements of sections 589.400
10 through 589.425 are lifetime registration requirements unless all
11 offenses requiring registration are reversed, vacated or set
12 aside or unless the registrant is pardoned of the offenses
13 requiring registration.

14 589.407. Any registration pursuant to sections 589.400 to
15 589.425 shall consist of completion of an offender registration
16 form developed by the Missouri state highway patrol. Such form
17 shall include, but is not limited to the following:

18 (1) A statement in writing signed by the person, giving the
19 name, address, Social Security number and phone number of the
20 person, the place of employment of such person, enrollment within
21 any institutions of higher education, the crime which requires
22 registration, whether the person was sentenced as a persistent or
23 predatory offender pursuant to section 558.018, RSMo, the date ,
24 place, and a brief description of such crime, the date and place
25 of the conviction or plea regarding such crime, the age and
26 gender of the victim at the time of the offense and whether the
27 person successfully completed the Missouri sexual offender
28 program pursuant to section 589.040, if applicable; and

1 (2) The fingerprints and a photograph of the person.

2 589.414. 1. If any person required by sections 589.400 to
3 589.425 to register changes residence or address within the same
4 county as such person's previous address, the person shall inform
5 the chief law enforcement official in writing within ten days of
6 such new address and phone number, if the phone number is also
7 changed.

8 2. If any person required by sections 589.400 to 589.425 to
9 register changes such person's residence or address to a
10 different county, the person shall appear in person and shall
11 inform both the chief law enforcement official with whom the
12 person last registered and the chief law enforcement official of
13 the county having jurisdiction over the new residence or address
14 in writing within ten days, of such new address and phone number,
15 if the phone number is also changed. If any person required by
16 sections 589.400 to 589.425 to register changes their state of
17 residence, the person shall appear in person and shall inform
18 both the chief law enforcement official with whom the person was
19 last registered and the chief law enforcement official of the
20 area in the new state having jurisdiction over the new residence
21 or address within ten days of such new address. Whenever a
22 registrant changes residence, the chief law enforcement official
23 of the county where the person was previously registered shall
24 promptly inform the Missouri state highway patrol of the change.
25 When the registrant is changing the residence to a new state, the
26 Missouri state highway patrol shall promptly inform the
27 responsible official in the new state of residence.

28 3. Any person required by sections 589.400 to 589.425 to

1 register who changes his or her enrollment or employment status
2 with any institution of higher education within the state, by
3 either beginning or ending such enrollment or employment, shall
4 inform the chief law enforcement officer of such change within
5 seven days after such change is made.

6 4. Any person required by sections 589.400 to 589.425 to
7 register who officially changes such person's name shall inform
8 the chief law enforcement officer of such name change within
9 seven days after such change is made.

10 [4.] 5. In addition to the requirements of subsections 1
11 and 2 of this section, the following offenders shall report in
12 person to the county law enforcement agency every ninety days to
13 verify the information contained in their statement made pursuant
14 to section 589.407:

15 (1) Any offender registered as a predatory or persistent
16 sexual offender under the definitions found in section 558.018,
17 RSMo;

18 (2) Any offender who is registered for a crime where the
19 victim was less than eighteen years of age at the time of the
20 offense; and

21 (3) Any offender who has pled guilty or been found guilty
22 pursuant to section 589.425 of failing to register or submitting
23 false information when registering.

24 [5.] 6. In addition to the requirements of subsections 1
25 and 2 of this section, all registrants shall report annually in
26 person in the month of their birth to the county law enforcement
27 agency to verify the information contained in their statement
28 made pursuant to section 589.407.

1 [6.] 7. In addition to the requirements of subsections 1
2 and 2 of this section, all Missouri registrants who work or
3 attend school or training on a full-time or part-time basis in
4 any other state shall be required to report in person to the
5 chief law enforcement officer in the area of the state where they
6 work or attend school or training and register in that state.
7 Part-time in this subsection means for more than fourteen days in
8 any twelve-month period.

9 Section 1. The investigation and enforcement techniques in
10 chapter 407, RSMo, including section 407.040, RSMo, shall apply
11 to, and may be used to investigate and enforce, the provisions of
12 sections 416.600 to 416.640, RSMo.